

1 THE HONORABLE BENJAMIN H. SETTLE
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES A. BIGELOW,

12 Plaintiff,

13 vs.

14 NORTHWEST TRUSTEE SERVICES,
15 INC.; GREEN TREE SERVICING, LLC;
16 MORTGAGE ELECTRONIC
17 REGISTRATION SYSTEMS, Inc.;
18 WRIGHT, FINLAY & ZAK, LLP; TICOR
19 TITLE COMPANY; NATIONWIDE TITLE
20 CLEARING; FIRST AMERICAN TITLE
21 INSURANCE COMPANY; RENEE
22 PARKER; and DOE DEFENDANTS 1 – 20,

23 Defendants.

24 GREEN TREE SERVICING, LLC,

25 Counter-Plaintiff,

vs.

26 JAMES A. BIGELOW and CAROLYN
27 BIGELOW, Husband and Wife; WELLS
28 FARGO BANK, N.A.; OAK RIDGE YELM
29 HOME OWNERS ASSOCIATION, a non-
30 profit corporation; and ALL PERSONS OR
31 PARTIES UNKNOWN CLAIMING ANY
32 RIGHT, TITLE, ESTATE, LIEN, OR
33 INTEREST IN THE PROPERTY
34 DESCRIBED IN THE COMPLAINT

MOTION TO DISMISS

Case No.: 3:14-cv-05798-BHS

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**MOTION TO DISMISS COUNTER-
CLAIM AND THIRD PARTY
COMPLAINT DUE TO LACK OF
JURISDICTION**

NOTED FOR MOTION CALENDAR
MARCH 27, 2015

James A. Bigelow
7916 Southwind Circle
Huntington Beach CA 92648
360-790-2568

1 HEREIN,

2 Counter-Defendants.

3
4 NOW COMES the Counter-Defendant, James A. Bigelow, who files this Motion to
5 Dismiss the GTS Counter-Claim for judicial foreclosure due to lack of jurisdiction and states
6 as follows:

7 1. Alleged counsel for GTS has filed a counter-claim and third party complaint for a judicial
8 foreclosure (Dkt. 26). Judicial foreclosures are a State issue and the District Court for
9 Western Washington lacks jurisdiction. "The Superior Court shall have original
10 jurisdiction in all cases at law which involve the title or possession of real property."
11 (Washington State Constitution, Title IV, Section 6).

12 WHEREFORE, the Counter-Defendant, James A. Bigelow, moves this Court to dismiss
13 the counter-claim and third party complaint for judicial foreclosure.

14 Dated this 11th Day of March, 2015

15
16 /s/ James A. Bigelow
17 James A. Bigelow

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19 CERTIFICATE OF SERVICE

20 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of
21 Washington that the foregoing is true and correct and that a copy of the foregoing has been
22 electronically provided to Renee M. Parker, Esq., and Joseph H. Marshall, Esq.

23 Executed this 11th day of March, 2015.

24
25 /s/ James A. Bigelow
James A. Bigelow

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